

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**April 21, 2004**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., April 21, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Chairman, District 3; Fulton Brock, District 1; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present, Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

**MINUTES**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve the minutes from meetings held on March 3, 15, and 17, 2004.

**PERSONNEL AGENDA**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

**Bethany Home Outfall Channel (Per: Resolution FCD 98-12)**

Item 102-10-003A-ROE, Temporary Right-of-Entry Easement and Agreement for Flood Control Purposes from John Doherty to Flood Control District of Maricopa County for the sum of \$500.00.

**RESOLUTION – WHITE TANKS FLOOD RETARDING STRUCTURE NO. 3 REMEDIATION**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to adopt Resolution FCD 2004R004, White Tanks Flood Retarding Structure No. 3 Remediation. The resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to apply all authorities granted under Resolution FCD 94-03, White Tanks Flood Retarding Structure No. 3 Flood Retention Structure (adopted by the Board of Directors of the Flood Control District of Maricopa on June 7, 1994 – CS941292); Resolution FCD 97-16, White Tanks Flood Retarding Structure No. 3 Modifications (adopted by the Board on April 1, 1998 – C69980746); Intergovernmental Agreement FCD 98023; White Tanks FRS No. 3 Modifications (approved by the Board on August 5, 1998 – C69990142); and Resolution FCD 2000R014, White Tanks Flood Retarding Structure No. 3 Basin (adopted by the Board on January 17, 2001 – C69010376); to the White Tanks Flood Retarding Structure #3 Dam Rehabilitation. This Resolution further authorizes a variance to the Flood Control District of Maricopa County "Policy for Aesthetic Treatment and Landscaping of Flood Control Projects." All contracts are subject to ratification and approval of the Board. (C69040866) (ADM1900) (ADM1918)

**RESOLUTION FCD 2004R004  
WHITE TANKS FLOOD RETARDING STRUCTURE #3 REMEDIATION**

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**WHEREAS**, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48 for the purpose of acquiring, constructing, maintaining, and operating flood control facilities to control waters of rivers and streams, and other surface waters to prevent the flooding of property and the endangering of lives of people; and,

**WHEREAS**, the District is mandated by state and federal law to comply with dam safety regulations and the District is the primary agency responsible for the safe and proper operation of twenty-two (22) flood control dams; and,

**WHEREAS**, the District operates and maintains White Tanks Flood Retarding Structure #3 (White Tanks FRS #3), which provides highly beneficial flood protection for significant portions of Maricopa County; and,

**WHEREAS**, the Natural Resources Conservation Service (NRCS) (previously known as the U. S. Soil Conservation Service) built Floodwater Retarding Structure No.3 called White Tanks FRS #3 (AZ00108) in 1954 under a pilot watershed project, authorized under the heading "Flood Prevention" of the United States Department of Agriculture Appropriation Act, 1954 (Public Law 156;67 Stat. 214) and known as the White Tank Watershed Protection Project; and,

**WHEREAS**, dam safety deficiencies have been identified at White Tanks FRS #3 which require correction; and,

**WHEREAS**, the NRCS completed the "White Tank Mountains Watershed Plan and Environmental Assessment" which proposed dam safety modifications to White Tanks FRS #3 and the District signed a Watershed Agreement on July 16, 1996, with the NRCS for the Project as proposed in the Plan/EA; and,

**WHEREAS**, the District has worked cooperatively with NRCS and has completed dam rehabilitation studies and basin alternatives analysis studies, under Resolution FCD 94-03, Resolution FCD 97-16, Intergovernmental Agreement FCD 98023 and Resolution FCD 2000R014; and,

**WHEREAS**, recent (2003) investigations have identified a previously undetected earth fissure risk zone at the dam which must be addressed as part of any alternative for dam replacement or dam rehabilitation and the District has recently completed alternatives studies which address all issues inclusive of the earth fissure risk zone and the selected alternative is a dam modification which consists of modifications to the existing dam embankment, outlets, and emergency spillway to address all dam safety issues; and,

**WHEREAS**, NRCS Program The Watershed Protection and Flood Prevention Act (PL-83-566) as amended by the Watershed Rehabilitation Amendments (PL-106-472) allows the District to seek federal funding assistance for the project and NRCS has expressed a willingness to work with the DISTRICT in seeking a permanent solution to resolve current dam safety issues for White Tanks FRS #3; and,

**WHEREAS**, the White Tanks FRS #3 North Inlet Channel project which provides for upstream channel improvements to prevent breakout of the 100-year flood across the Beardsley Canal at several locations north of the dam is being included in the Plan/EA (plan for federal assistance for White Tanks FRS #3); and,

**WHEREAS**, the General Structural Guidelines section of the District's "Policy for Aesthetic Treatment and Landscaping of Flood Control Projects" allows for overbuilding of dam embankments to simulate the

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natural terrain and calls for final surface grading to resemble the "natural undulation of the surrounding terrain surface;" and,

**WHEREAS**, the application of the landscaping and aesthetics cost ceiling factors to this issue results in an inability to overbuild the dam embankment to meet these objectives; and,

**WHEREAS**, the White Tanks FRS #3 Remediation project is currently funded in the District's 5-Year Capital Improvement Projects.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to apply all authorities granted under Resolution FCD 94-03, White Tanks Flood Retarding Structure #3 Flood Retention Structure; Resolution FCD 97-16, White Tanks Flood Retarding Structure #3 Modifications; and Resolution FCD 2000R014, White Tanks Flood Retarding Structure #3 Basin; to the White Tanks FRS #3 Dam Rehabilitation; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to implement a variance to the District's "Policy for Aesthetic Treatment and Landscaping of Flood Control Projects" specific to White Tanks FRS #3 Remediation project in order to provide landscaping and aesthetic treatment for the White Tanks FRS #3 dam modifications to an extent which would allow for simulation of the natural terrain and resemblance of the natural undulation of the surrounding terrain surface on both sides of the dam.

**DATED** this 5<sup>th</sup> day of May 2004.

/s/ Andy Kunasak, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**CHANGE ORDER TO CONTRACT WITH DBA CONSTRUCTION, INC.**

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve Change Order No. 3 in the amount of \$13,911.39 for Contract FCD 2002C007, Chandler Heights - EMF Mitigation Site (Project No. 442 - East Mesa ADMP) with DBA Construction, Inc. This change order establishes a new contract amount of \$484,622.83 and a new completion date of April 23, 2004. Expenditures from this change order will be charged to the Operating Budget. (C6903095501)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Andy Kunasek, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board